## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS FILED SHERMAN DIVISION SHERMAN DIVISION SHERMAN DIVISION SHERMAN DIVISION

| HILLWOOD ENTERPRISES, L.P., Plaintiff | §<br>§<br>§ | SEP 2 1 2009  DAVID J. MALAND, OLEHA |
|---------------------------------------|-------------|--------------------------------------|
| v.                                    | §<br>8      | DEPUTY                               |
| INTEL CORPORATION,                    | §<br>§      |                                      |
| Defendant,                            | §           | 4:08cv112                            |
| V.                                    | §<br>&      |                                      |
| v.                                    | §           |                                      |
| COUNCIL PROPERTIES, LLC,              | §           |                                      |
| Intervenor.                           | §           |                                      |

## MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 12, 2009, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Intel Corporation's Motion for Summary Judgment (Dkt. 82) be GRANTED, that Hillwood Enterprises, L.P.'s Motion for Partial Judgment (Dkt. 84) be DENIED, and that Intel be granted judgment on its claim that Hillwood no longer has any right to repurchase the property. The report further recommended that Intel be awarded its reasonable and necessary attorneys' fees as the prevailing party.

The court, having made a *de novo* review of the objections raised by Plaintiff, Defendant's response, Plaintiff's reply, and Defendant's sur-reply (Dkts. 164, 165, 172, and 173) is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of Plaintiff

are without merit. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court. Intel Corporation's Motion for Summary Judgment (Dkt. 82) is GRANTED, Hillwood Enterprises, L.P.'s Motion for Partial Judgment (Dkt. 84) is DENIED, and Intel is granted judgment on its claim that Hillwood no longer has any right to repurchase the property at issue.

Further, Intel is awarded its reasonable and necessary attorneys' fees as the prevailing party. Intel shall submit to the court a listing of those reasonable and necessary attorneys' fees for which it seeks recovery on or before September 30, 2009. Hillwood may submit any response to Intel's submission within 14 days of the date it is filed. The parties are encouraged to confer in good faith on all issues relating to the attorneys' fees submitted.

IT IS SO ORDERED.

SIGNED this 2014 day of Stephenbly 2009.

RICHARD A. SCHELL

UNITED STATES DISTRICT JUDGE